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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91200893
Party	Plaintiff Repify, Inc.
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Submission	Stipulated/Consent Motion to Extend
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Date	12/31/2013
Attachments	CONSENTED MOTION TO EXTEND DISCOVERY AND TRIAL PERIODS FOR 60 DAYS (as filed) 12-31-13.pdf(98631 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Repify, Inc.,)
)
Opposer/Counterclaim-Respondent,)
)
v.)
)
Reppify LLC)
)
)
Applicant/Counterclaim-Petitioner.)
_____)

Opposition No. 91200893

**CONSENTED MOTION TO EXTEND
DISCOVERY AND TRIAL PERIODS
FOR 60 DAYS**

Commissioner for Trademarks
Trademark Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1451
Alexandria, VA 22313-1451

CONSENTED MOTION TO EXTEND DISCOVERY AND TRIAL PERIODS
FOR 60 DAYS

In the opposition no. 91200893, Opposer, Repify, Inc., hereby submits this consented motion to extend discovery and trial periods for 60-days. The Applicant, Reppify LLC, has consented to the 60-day extension of the discovery and trial periods. The consented motion is being filed based on the extraordinary circumstances in settling this matter between two parties where there are a number of complex issues which must be addressed in an agreement. The parties have made and continue to make substantive progress in reaching a final settlement agreement.

Specifically, pursuant to the Order dated September 30, 2013, the Expert Disclosures are due on January 1, 2014. The parties jointly request that the discovery and trial periods be

extended for 60-days and all dates in the opposition extended accordingly. The new (proposed) dates are set out below.

Time to Answer :	CLOSED
Deadline for Discovery Conference :	CLOSED
Discovery Opens :	CLOSED
Initial Disclosures Due :	CLOSED
Expert Disclosure Due :	03/02/2014
Discovery Closes :	04/01/2014
Plaintiff's Pretrial Disclosures :	05/16/2014
Plaintiff's 30-day Trial Period Ends :	06/30/2014
Defendant's Pretrial Disclosures :	07/15/2014
Defendant's 30-day Trial Period Ends :	08/29/2014
Plaintiff's Rebuttal Disclosures :	09/13/2014
Plaintiff's 15-day Rebuttal Period Ends :	10/13/2014

The parties request the extension based on continued engagement in settlement discussions. Below is a detailed report regarding the status of the settlement negotiations.

The parties have actively been working with their respective clients to move settlement forward and a close-to-final settlement agreement has been exchanged. After the multiple issues which arose earlier in regards to negotiations, the Applicant has continued to use their new counsel and settlement negotiations between Applicant's counsel and Opposer's counsel have progressed such that a proposed settlement agreement is currently being reviewed.

Specifically, the parties have now agreed on general terms and the proposed settlement agreement with specific terms is in the process of being reviewed by the Applicant. As of December 11, 2013, Applicant's counsel confirmed that the draft settlement agreement was being reviewed by the client. The Applicant's counsel has a call with Applicant set for later this

week (the week of December 30, 2013) to continue to move the settlement application to finalization and receive Applicant's comments on the draft agreement.

The additional extension is requested to enable the parties' time to finalize the terms of the written settlement agreement and time to conduct final review and obtain the necessary signatures. As general settlement terms have been agreed to by both parties, both parties are optimistic about the settlement of this matter in this next extension period.

The parties are not requesting an additional suspension to improperly delay the proceedings. Instead, the suspension request is being made so that the parties can finalize settlement. If settlement is finalized, it will avoid the need for the U.S. opposition proceeding which will save the Board time and effort.

Accordingly, Opposer, Repify, Inc., and Applicant, Reppify LLC, respectfully jointly submit and sincerely request that the Board allow the discovery and trial periods to be extended for an additional sixty (60) days and to extend the dates as listed above.

Counsel for Opposer, Repify, Inc., further provides the certificate of service and Counsel for Reppify LLC has agreed to service of the Consent Motion by U.S. first class mail.

Dated: December 31, 2013

Respectfully submitted,

ALLEMAN HALL MCCOY

RUSSELL AND TUTTLE LLP

A handwritten signature in cursive script, appearing to read "B. Anna McCoy".

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Attorney for Opposer

CERTIFICATE OF SERVICE

I, B. Anna McCoy, hereby certify that on December 31, 2013, a true and correct copy of the foregoing Consented Motion To Extend Discovery And Trial Periods For 60 Days was served via U.S. first class mail (by agreement of counsel) upon the following:

Ameet S. Matharu at:
The Chugh Firm APC
4800 Great America Pkwy, Suite 310
Santa Clara, CA 95054
UNITED STATES

A handwritten signature in cursive script, appearing to read "B. Anna McCoy", is written in dark ink.

B. Anna McCoy